

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

CHRISTINA ANN GRAHAM,
Individually and as Anticipated
Administrator of the ESTATE OF
NELSON LEE GRAHAM, JR.,
Deceased,

Plaintiffs,

v.

DEPUTY MADISEN EMERSON,
DEPUTY KEVIN CLARKE, and
DEPUTY ELVIN THOMPSON,

Defendants.

CASE NO.: 1:23-CV-180

PLAINTIFFS' STATUS REPORT

COME NOW Plaintiffs Christina Ann Graham, individually and as anticipated administrator of the Estate of Nelson Lee Graham, Jr., Deceased, and hereby provide the Court with a Status Report:

1.

Plaintiff filed the instant action on November 30, 2023, seeking to recover against Defendants under 42 U.S.C. § 1983 for death of Nelson Lee Graham, Jr., at

the hands of Defendants, who were acting under color of state law as Deputies of the Richmond County Sheriff's Office.

2.

Defendants jointly filed their Answer on December 28, 2023.

3.

Plaintiffs and Defendants timely exchanged their initial disclosures, written discovery requests, written discovery responses, document productions, and expert disclosures.

4.

On June 4, 2024, Plaintiff served Notices of Deposition for each Defendant.

5.

Plaintiff was subsequently informed by counsel for Defendants that Defendants would each be asserting their Fifth-Amendment rights due to a pending investigation into the subject incident by the Georgia Bureau of Investigation.

6.

Because the investigation is still ongoing, Plaintiff has also been unable to obtain relevant documents requested from the Georgia Bureau of Investigation.

7.

In view of the foregoing circumstances, the instant action was stayed for 180 days to allow an independent law-enforcement investigation to be completed prior to proceeding with depositions and further discovery.

8.

Plaintiffs have conferred with counsel for Defendants, it is Plaintiffs' understanding that the investigation remains open against Defendants.

WHEREFORE, Plaintiffs move the Court to stay the instant action for an additional 60 days, at which point the parties will apprise the Court of the status of the investigation into the subject incident and seek an Amended Scheduling Order for further discovery following the close of the investigation.

Respectfully submitted this 2nd day of February, 2024.

ERIC J. HERTZ, PC

/s/ Jesse A. Van Sant

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that the undersigned on this date served **PLAINTIFFS' STATUS REPORT** upon the following counsel in accordance with ECF rules by electronically filing a copy with the Clerk of Court using the CM/ECF system to all counsel of record:

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This 2nd day of February, 2025.

ERIC J. HERTZ, PC

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